

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

In re: JESUS RAY BROADIE,

ORDER

Plaintiff.

10-cv-387-bbc

Plaintiff Jesus Ray Broadie, a prisoner at the Waupun Correctional Institution, has filed a document styled as a civil rights complaint brought under 42 U.S.C. § 1983. Because he has not submitted the \$350 filing fee for this complaint, I construe his filing as including a request to proceed in forma pauperis. A decision on the request cannot be made until plaintiff submits a prison trust fund account statement from which the court can calculate an initial partial payment of the \$350 filing fee as required by 28 U.S.C. § 1915(b) and the 1996 Prison Litigation Reform Act. Plaintiff's complaint was submitted on July 12, 2010. Therefore, his trust fund account statement should cover the six-month period beginning approximately January 12, 2010 and ending approximately July 12, 2010.

Usually, I would not consider the merits of plaintiff's complaint until plaintiff paid the initial partial payment of the filing fee. However, it is obvious at first glance that the complaint violates Fed. R. Civ. P. 8, which requires that a complaint include "a short and plain statement of the claim showing that the pleader is entitled to relief." Plaintiff's

complaint is virtually illegible, so it is impossible to tell what claims plaintiff is attempting to bring. In addition, plaintiff fails to identify the defendants in the caption of his complaint, so it is unclear whom he wishes to sue in this action. Accordingly, I will dismiss plaintiff's complaint pursuant to Rule 8 but allow him to refile his complaint, taking care to write legibly and include the names of those he wishes to sue as defendants in the caption of the complaint. Attached to this order is a complaint form that plaintiff can use to submit his amended complaint.

ORDER

IT IS ORDERED that

1. Plaintiff may have until September 20, 2010, to submit a trust fund account statement for the period beginning approximately January 12, 2010 and ending approximately July 12, 2010.
2. Plaintiff's complaint, dkt. #1, is DISMISSED without prejudice pursuant to Fed. R. Civ. P. 8. He will have until September 20, 2010, to submit an amended complaint.
3. Should plaintiff fail to respond to this order by September 20, 2010, the case will

be dismissed without prejudice to his refiling it at a later date.

Entered this 30th day of August, 2010.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge